

Order

Michigan Supreme Court
Lansing, Michigan

November 2, 2005

Clifford W. Taylor,
Chief Justice

127533

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

NEWMAN EQUITIES,
Plaintiff-Appellant,

v

SC: 127533
COA: 248722
Ingham CC: 00-91212-CZ

CHARTER TOWNSHIP OF MERIDIAN,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the October 21, 2004 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the Court of Appeals opinion but AFFIRM the result on alternative grounds. Contrary to the view expressed by the Court of Appeals majority, the court may not consider whether there is a “legitimate difference of opinion” regarding the reasonableness of two zoning schemes. Instead, the court must determine that the zoning approved by the referendum is unreasonable. See, e.g., *Kropf v Sterling Heights*, 391 Mich 139, 156-157 (1974).

CAVANAGH and KELLY, JJ., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2005

Corbin R. Davis

Clerk